

Remarks:

With entry of the foregoing amendments, claims 1, 3, and 5-18 remain in this application. Claims 2 and 4 are canceled. Claims 1, 3, 5, 15, and 18 are currently amended.

Rejections under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 6-11, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,293,113 (Gray). The Examiner asserts that Gray discloses a tubular means (12) being made of PVC and a length of about 12 inches and about 13 inches (column 3, lines 22ff), a top binder (35, 15) with strap (35), a bottom binder (60 and 17) with strap (35), a support member (25 and 22 near the bottom) being one or more protrusions, or screw hole in tube and machine screw (column 3, line 14ff), a securing member (25 and 22 near the top), means for preventing slippage (column 3, lines 46 resilient plastic material), a support shaft (figure 3). The Examiner further asserts that Gray inherently discloses a method of detachably securing an umbrella shaft, aligning, detachably, depositing, and adjusting.

In response thereto, Applicant has amended claims 1 and 18, and amended claims 1 and 18 are not anticipated by Gray. The following language has been added to claims 1 and 18: wherein said top/bottom binder comprises a top/bottom cinch strap adapted to adjustably encircle said tube and the support shaft in a single closed loop. Gray does not disclose such binders, and therefore cannot anticipate amended claims 1 and 18. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in as complete detail as is

contained in the . . . claim. . . . The elements must be arranged as required by the claim”
MPEP § 2131.

Withdrawal of the rejections of independent claims 1 and 18 are respectfully requested.

As per claims 6-11, these claims depend directly or indirectly from independent claim 1. Since claim 1 is not anticipated by Gray, likewise dependent claims 6-11 cannot be anticipated by Gray because they contain all the limitations of the claim from which they depend. See MPEP § 608.01(n). Withdrawal of these rejections of claims 6-11 are therefore respectfully requested. As per claims 2 and 4, these claims are canceled; withdrawal of the rejections of claims 2 and 4 as moot is respectfully requested.

Claims 15, 16, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 191,782 (Smith, Sr.). The Examiner asserts that Smith discloses tubular means (C), a top binder (f) with strap (A), a bottom binder (g) with strap (A'), means for supporting the umbrella shaft inside the tubular means whereby the bottom portion does not slide out (the bottom of the tubular member C being closed prevents sliding out of umbrella), means for adjustably securing (i) being a thumb screw/machine screw threaded through a thumb screw hole in the tube slippage (see figure 2, and page 1, column 2, lower end of tubular member being angular and preventing slippage).

In response thereto, Applicant has amended claims 15 and 18, and amended claims 15 and 18 are not anticipated by Smith. Claim 18 is amended as described above, and the following language has been added to claim 15: , and wherein said top/bottom means adjustably encircles and cinches said tube and the support shaft. Smith does not disclose such binders or binding

means, and therefore cannot anticipate amended claims 15 and 18. Withdrawal of the rejections of independent claims 15 and 18 is therefore respectfully requested.

As per claim 16, this claim depends directly from independent claim 15. Since claim 15 is not anticipated by Smith, likewise dependent claim 16 cannot be anticipated by Smith because it contains all the limitations of the claim from which it depends. See MPEP § 608.01(n). Withdrawal of these rejection of claim 16 is therefore respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1-6, 10, and 12-17 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Gray and/or Smith. In response thereto, Applicant asserts that the amendments described above render these claims nonobvious. Neither Gray nor Smith disclose the binders/binding means as claimed in amended claims 1 and 15. For example, neither Gray nor Smith disclose binders that encircle both the tube and the support shaft. Furthermore, neither Gray nor Smith disclose binders that cinch both the tube and the support shaft. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP § 2143.03. Since neither Gray nor Smith disclose these claim limitations, they cannot render these claims obvious. Withdrawal of the rejections of claims 1 and 15, as well as the rejections of dependent claims 2-6, 10, 12-14, and 16-17, is respectfully requested.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

STEPTOE & JOHNSON PLLC

/Michael B. Pallay/

Michael B. Pallay
Attorney for Applicant
Registration No. 50,230

Date: April 24, 2008

Chase Tower
P.O. Box 2190
Clarksburg, WV 26302
(304) 624-8000